

ORIGINAL

EX PARTE OR LATE FILED

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE 0

NEW YORK OFFICE
405 LEXINGTON AVENUE
NEW YORK, NY 10174

RECEIVED

April 11, 2001

APR 11 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals - TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

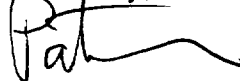
Re: Ex Parte
CC Docket No. 96-98
CC Docket No. 98-147

Dear Ms. Salas:

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. Section 1.1206(b), this letter provides notice that on April 10, 2001 Julia Strow, Vice President - Regulatory, Cbeyond Communications, and the undersigned met in separate meetings with: (1) Kyle Dixon, Office of the Chairman (via conference call), (2) Samuel Feder, Office of Commissioner Harold Furchgott-Roth, and (3) Sarah Whitesell, Office of Commissioner Gloria Tristani concerning issues in the above-captioned proceedings. We presented the views set forth in the attached document, which was provided at the meetings.

Four copies of this letter are attached.

Sincerely,



Patrick J. Donovan

cc: Kyle Dixon
Samuel Feder
Sarah Whitesell
Paula Silberthau



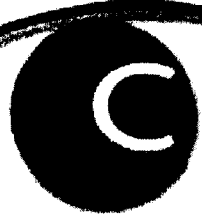
BEYOND COMMUNICATIONS

Julia Strow

Vice President - Regulatory

April 10, 2001

CC Docket Nos. 96-98, 98-147



Cbeyond Company Overview

Cbeyond Communications is a next generation Broadband Applications Service Provider (BASP) headquartered in Atlanta, Georgia

- Cbeyond was founded in November, 1999 and received \$141M in initial funding April, 2000

Cbeyond provides service over a Cisco powered IP-based network utilizing state of the art technology

- Cbeyond is a facilities-based communications service provider with “smartest” build network deployment strategy utilizing unbundled loops and collocation in addition to a complementary EEL strategy

Cbeyond's broadband services are not limited by technology - - services are provisioned via DS1 interface which supports fiber, traditional T-1 and DSL and will support new access technologies as they emerge



Cbeyond's Business Plan

- Initial service offering is a fully integrated suite of voice and Internet-based applications over a single network connection

Cbeyond is providing service to very small business customers (5 to 25 lines) in Tier 1 markets- - Cbeyond's base package is a five line package

- Cbeyond offers small businesses a competitive choice and provides big business tools to a previously underserved segment of the market

Extensive technical and market trials successfully performed during 2000 and early 2001 to test/validate the technology and OSS/BSS systems to meet our commitment of providing excellent customer service

- Cbeyond began offering service in March, 2001 to small business customers in Atlanta and will be in four additional markets this year



The Cbeyond Difference

Cbeyond vs Legacy Providers

- Broadband vs Narrowband
- Packet Switched vs Circuit Switched

Single Network vs Separate Networks

- Access Agnostic vs Access Specific
- Integrated Services vs Bundled Pricing
- Next Generation Economics vs Legacy Economics



What Cbeyond Needs from the FCC

- Continued enforcement of the Telecommunications Act of 1996 and the FCC's procompetitive policies for promoting facilities-based competition
- Critical time for local competition given current market conditions – competitive providers need certainty in rules and regulations
- The requirements of the Act are technology neutral - - FCC rules and regulations should facilitate technological innovation, not thwart it



Overview of Critical FCC Proceedings

- Local Switching Carve Out/UNE-P

Collocation Remand



Local Switching Carve Out

The Commission should expand the switching carve-out rule to include any MSA that meets the 4 switch test proposed by Allegiance Telecom

- If the collocation standard proposed by Allegiance is adopted, MSAs where incumbent LECs have elected the switching carve out under the existing rules should be grandfathered

The Commission should not raise the four line threshold given the evidence that facilities based competitors are serving customers with as few as five lines

- The Commission should maintain the voluntary EEL condition and should establish benchmark provisioning intervals consistent with special access provisioning intervals

ILEC compliance with the FCC's rules on special access conversions to EELs must be enforced to make conversion to EEL viable



Collocation

- Multifunction equipment should be permitted as long as it used for interconnection or access to unbundled network elements
- CLEC to CLEC cross-connection should be permitted through CLEC self provisioning and through ILEC provisioning at TELRIC rates and at FCC established intervals
- The FCC should reaffirm its national default standard of 90 day intervals for caged collocation and 60 day intervals for cageless collocation
- For augmentations to existing physical collocation space, the Commission should require ILECs to comply with requests within 30 calendar days unless substantial construction is required

C

Cbeyond Communications

James Geiger - Chief Executive Officer

Julia Strow - Vice President, Regulatory

Brooks Robinson - Vice President, Business Strategy

April 11, 2001

CC Docket No. 96-98